

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON JOSEPH GRUBER,

No. C 05-0461 SBA

Plaintiff.

ORDER

v.

CITY OF SOUTH SAN FRANCISCO, et al.,

Defendant.

This matter comes before the Court on the fifth Joint Case Management Conference Statement ("Joint Statement") filed by the parties in the above-captioned matter. In the Joint Statement, the parties request that the Court continue the initial Case Management Conference, currently scheduled for April 6, 2006 at 3:45 p.m., until May 17, 2006, when it is anticipated that the criminal trial *People v. Gruber*, San Mateo Superior Ct. No. SC56032, will be completed. The parties previously advised the Court that Plaintiff is unable to participate in the prosecution of the instant action "due to the Hobson's choice of asserting his constitutional rights as a defendant in the criminal case and the requirements that he prosecute the instant civil case as a plaintiff."

While the Court is sensitive to the procedural issues presented in the instant matter, the Court does not agree that any further continuances of the Case Management Conferences are necessary or warranted. This case has already been pending for over a year due to the parties' numerous requests for continuances. In light of the fact that the criminal trial is scheduled to reach completion in mid-April, the Court finds that the parties' concerns can and should be addressed by appropriately tailoring the deadlines relating to discovery and disclosures, if necessary, not by continuing the Case Management Conference for another month.

Accordingly,

1 IT IS HEREBY ORDERED THAT the parties' request for a continuance of the April 6, 2006
2 Case Management Conference is DENIED. The parties shall appear for a telephonic Case Management
3 Conference on **Wednesday, April 6, 2006 at 3:45 p.m.** The parties shall **meet and confer** prior to the
4 conference and shall prepare a revised joint Case Management Conference Statement which shall be
5 filed no later than **April 3, 3006**. The Case Management Conference Statement shall specifically set
6 forth the parties' recommendations as to the schedule that will best accommodate Plaintiff's concerns
7 regarding discovery. Plaintiff's counsel shall be responsible for filing the statement as well as for
8 arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above
9 indicated date and time.

10 IT IS SO ORDERED.

11
12 Dated: 3/29/06


SAUNDRA BROWN ARMSTRONG
United States District Judge